

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: Mercantile Bank Mortgage Company LLC v Roz Properties LLC

Docket No. 285006

L.C. No. 07-010794 CK

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The motion to waive fees is GRANTED for this case only.

The claim of appeal filed on April 18, 2008, is DISMISSED for lack of jurisdiction because the order of April 1, 2008, is not a final order because it does not adjudicate the rights and liabilities of Rebecca Boyer as is required by MCR 7.202(6)(a)(i) for there to be a final order. The order of February 5, 2008, very clearly says it does not constitute a dismissal or a decision on the merits. It also says that the case may be reopened on motion of any party once the stay has been removed. Like a dismissal without prejudice, a closing without prejudice is not adjudicating rights and liabilities. See *Detroit v Michigan*, 262 Mich App 542 (2004).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL - 3 2008

Date

Sandra Schultz Mengel
Chief Clerk